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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William C. Y. Lee et al. Examiner: Sharad K. Rampuria
Serial No.: 09/625,626 Group Art Unit: 2683
Filed: July 26, 2000 Docket: G&C 139.136-US-U1
Title: NETWORK ENGINEERING IN A WIRELESS NETWORK

PETITION UNDER 37 C.F.R. 1.47(a)**RECEIVED**

Assistant Commissioner for Patents
Washington, D.C. 20231

MAR - 4 2003

OFFICE OF PETITIONS

Dear Sir:

Pursuant to 37 C.F.R. § 1.47(a), Applicants' attorney hereby petitions the Office to consider the Declaration of David J.Y. Lee under 37 C.F.R. § 1.131 without a corresponding Declaration by co-inventor William C.Y. Lee. After diligent effort, co-inventor William C.Y. Lee will not execute the aforementioned Declaration.

Attached is a statement of Applicants' attorney George H. Gates providing pertinent facts relating to the inability to obtain an executed Declaration under 37 C.F.R. § 1.131 from co-inventor William C.Y. Lee.

The last known residential address of co-inventor William C.Y. Lee is 4435 Deer Ridge Road, Danville, California, 94506. The last known business address of co-inventor William C.Y. Lee is LinkAir Communications Inc., 2901 Tasman Drive, Suite 109, Santa Clara, CA 95054.

The fee of \$130.00 for this petition under 37 C.F.R. § 1.17(i) is transmitted herewith.

Respectfully submitted,

GATES & COOPER LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: February 27, 2003

GHG/

By: George H. Gates
Name: George H. Gates
Reg. No.: 33,500

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STATEMENT UNDER 37 C.F.R. 1.47(a)

I, George H. Gates, hereby declare as follows:

(1) I am a patent attorney registered to practice before the U.S. Patent and Trademark Office. I am also a partner in the firm of Gates & Cooper LLP, which represents the Assignee of the above-identified patent application.

(2) Inventors William C.Y. Lee and David J.Y. Lee were employed by original assignee Airtouch Communications, Inc. during the conception of the subject matter of the present application. Neither inventor remains employed by Airtouch Communications, Inc. or the current assignee Cell Partnership.

(3) Both inventors executed Declarations and Assignments in the present application, which were filed on September 21, 2000.

(4) I contacted both inventors by email on January 13, 2003. Both inventors responded that same day that they were available to review the declaration. Thereafter, I sent William C.Y. Lee a Declaration under 37 C.F.R. §1.131 by email on January 13, 2003, and I sent David J.Y. Lee a Declaration under 37 C.F.R. §1.131 by email on January 14, 2003. David J.Y. Lee returned the executed Declaration by facsimile on January 14, 2003. William C.Y. Lee never returned the executed Declaration. I attempted to contact William C.Y. Lee again by email on January 27, 2003 and February 27, 2003, to no avail. William C.Y. Lee never responded to emails following his initial response on January 13, 2003, and I have not received a return copy of the executed Declaration from William C.Y. Lee. However, I have not received an explicit refusal from William C.Y. Lee to execute the Declaration.

(5) All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by a fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated 2/27/2003

By

George H. Gates
George H. Gates
Reg. No. 33,500